

United States District Court

EASTERN DISTRICT OF WISCONSIN

JUDGMENT IN A CIVIL CASE

FLYING J, INC.,

Plaintiff,

V.

CASE NUMBER: 08-C-110

**J.B. VAN HOLLEN, Attorney General of Wisconsin,
ROD NILSESTUEN, Secretary of the Wisconsin Department of
Agriculture, Trade and Consumer Protection,**

Defendants.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the Wisconsin Unfair Sales Act, Wis. Stat. § 100.30 motor vehicle fuel provisions are unconstitutional because they violate the Sherman Act's prohibition against restraints of trade. *See* 15 U.S.C. § 1.

The defendants are enjoined from enforcing the motor vehicle fuel provisions of the Unfair Sales Act.

Plaintiff Flying J, Inc.'s motion for summary judgment is GRANTED.

Defendants J.B. Van Hollen and Rod Nilsestuen's motion for summary judgment is DENIED.

This action is hereby DISMISSED.

February 11, 2009
Date

JON W. SANFILIPPO
Clerk

s/ Linda M. Zik
(By) Deputy Clerk

APPROVED AS TO FORM:

s/ Rudolph T. Randa
Hon. Rudolph T. Randa
Chief Judge
February 11, 2009